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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEB 24 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
Implementation of Section ) CC Docket No. 97-11  
402(b)(2)(A) of the )  
Telecommunications Act of 1996 )

COMMENTS

Sprint Communications Company L.P. ("Sprint") hereby respectfully submits its comments on the Commission's *Notice of Proposed Rulemaking* ("Notice"), FCC 97-6, released January 13, 1997 in the above-captioned proceeding. Sprint's comments address primarily the issues raised concerning international lines (*Notice* at ¶¶ 30-34).

In this docket, the Commission seeks to implement Section 402(b)(2)(A) of the 1996 Act which provides that "[t]he Commission shall permit any common carrier to be exempt from the requirements of Section 214 of the Communications Act of 1934 for the extension of any line..." Because Section 214 refers to both the "extension" of lines and "new" lines, the Commission seeks comments on the distinction between the two. It proposes that an "extension of any line" be defined as "a line that allows the carrier to expand its service into geographic territory that it is eligible to serve, but that its network does not currently

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reach.” (Notice at ¶21) “New lines” would be defined as “projects that increase the capabilities of a carrier’s existing network within an area it already serves...” *Id.*

With respect to international service, the Commission tentatively concludes that the initiation of service to a new foreign point includes “the construction, acquisition, or operation of ‘new lines’” (Notice at ¶31) and requires Section 214 authorization:

Accordingly, when we grant a carrier authority to acquire and operate facilities to a particular country, we tentatively conclude that we do not grant that carrier authority to “extend” lines within the meaning of Section 214 and Section 402(b)(2)(A), but instead grant that carrier authority to acquire and operate new lines. International carriers are not eligible to initiate service to new international points until they receive specific Section 214 authorization to do so. *Id.* at ¶33.

The Commission also tentatively concludes that few international activities would not be considered “new.” *Id.* For example, increases in a carrier’s capacity to a country it already serves would constitute network upgrades which are defined as “new” lines and therefore would be subject to Section 214 regulation. Notice at ¶34

Sprint agrees with the Commission that the initiation of service to foreign countries raises issues different from those associated with domestic service. The Section 214 authorization process is used by the Commission to meet its statutory obligations and to promote effective competition


in the U.S. international telecommunications services market. Sprint therefore concurs with the Commission that initiation of service to foreign points should be considered "new" and subject to Section 214 regulation.

The Commission has already eliminated unnecessary regulation and facilitated entry into new international markets by streamlining the Section 214 process. The Commission adopted procedures for global Section 214 authorizations in its *Streamlining the International Section 214 Authorization Process and Tariff Requirements*, IB Docket No. 95-118, 11 FCC Rcd 12884 (1996). In addition, over a decade ago the Commission adopted streamlined procedures for the addition of capacity to foreign points by non-dominant carriers. A non-dominant carrier authorized to provide service to a specific country is "not ... required to file further applications to add circuits or change facilities to provide services within that same product market to serve that country." *In the Matter of International Competitive Carrier Policies*, CC Docket No. 85-107, 102 FCC 2d 812, 844 (1985). Carriers now simply notify the Commission annually of additional facilities in accordance with Section 43.82 of the Commission's Rules. See, *In the Matter of Rules for the Filing of International Circuit Status Reports*, CC Docket No. 93-157, 10 FCC Rcd 8608 (1995).

In these orders, the Commission has taken steps to ease the regulatory burdens on carriers seeking to initiate service to new countries and to add capacity. Such streamlined requirements for "new lines" allow the Commission to meet its Section 214 obligations without unduly burdening carriers and are consistent with the forbearance requirements of Section 402(b)(2)(A) applicable to "extended lines." Thus, there is no reason for the Commission to modify its rules or to require additional applications for initiation of service or capacity increases to foreign countries as a result of this investigation which implements the forbearance requirements of Section 402(b)(2)(A).

Respectfully submitted,

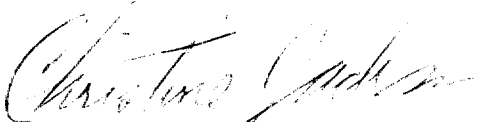
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February 24, 1997

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing **Comments** of Sprint Communicaitons Company was delivered to each of the parties listed below on this the 24th day of February, 1997:

  
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